

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, MARCH 6, 2002**

Members Present: Peter Lilienfield
Carolyn Burnett
William Hoffman
Walter Montgomery, Secretary

Member Absent: Jay Jenkins

Also Present: Lino Sciarretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes.

IPB Matters

Considered:

- 94-03 - Westwood Development Associates, Inc.**
Phase I (Tract A)
- 00-40 – Astor Street Associates, LLC**
Sht. 7, Portion of P-25,000
- 01-41 – James R. Gleason & Kathleen Gleason**
Sht. 14, Bl. 224, Lot 1,6,40
- 01-45 - Larry & Ronna Rudolph**
Sht. 12B, Lot 14
- 01-47 – Simon & Vesna Luburic**
Sht. 10F, Bl. 253, Lot 2
- 02-04 – Joseph DeMatteo**
Sht. 12B, Lot 31
- 02-06 – Scott Freiman/Alison Fine**
Sht. 8, Bl. 218, Lot 30
- 02-07 – Arkady Selenow**
Sht. 13, P-131A,131J,131C
- 02-08 – DeNardo Development Corp.**
Sht. 2, P-122
- 02-09 – Mark Shedrofsky/Nancy Messing**
Sht. 10D, Bl. 243, Lot 20
- 02-10 – Deena Goldsmith**
Sht. 12A, P-1A,1B
- 02-11 – Geraldine McGowan Hall**
Sht. 11, P-27J

The Chairman called the meeting to order at 8:05 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter # 01-47:

Application of Simon and Vesna Luburic for Site Development Plan Approval for property at Northwest Corner of Fieldpoint Drive and Harriman Road.

Mr. Rudolph Petrucelli, P.E., appeared for the Applicant. Site Development Plan Approval is being requested for a 56,785 square-foot parcel of land that is part of the Approved Subdivision Map for Louis Goodkind. (Lot 2). The Chairman opened the Public Hearing on this matter.

Mr. Petrucelli noted that the Zoning Board of Appeals granted a rear yard variance for the proposed deck, per the ZBA memo of February 27, 2002. He also noted that the site plan now calls for a box culvert in the stream on the property (per Mr. Mastromonaco's comments), in lieu of the previously proposed arch pipe. Mr. Marron stated that approval should be subject to an engineer's being present for the work on the culvert, installation of a pump, and the full restoration of the 100-year flood plain following construction. The Chairman and Mr. Marron said that the Application could be approved, subject to such conditions. The Board determined that all SEQRA issues had been determined during Subdivision Approval. There were no further comments from the Board, its consultants, or the public, and the Public Hearing was closed. Upon motion duly made and seconded, the Board voted 4-0 to approve site development plan approval, subject to the conditions noted above, for the drawings entitled: Proposed Site Plan for Mr. Simun Luburic, prepared by Petrucelli Engineering, dated October 22, 2001 revised February 7, 2002 (three sheets).

IPB Matter # 02-06:

Application of Scott Freiman & Alison Fine for Waiver of Site Development Plan Approval for Property at 9 Hancock Place.

Mr. Robert Reilly, R.A. represented the Applicant. Mr. Montgomery recused himself. This application pertains to the proposed construction of a two-story addition to an

existing single-family house. Applicant proposes to construct a two-story addition at the rear of existing single-family house. The addition will be 27 ft. x 33 ft., two stories and 10,000 cu. ft. The first floor will be an extension of the living area (studio) and the second floor a study/library room. Plans entitled: Freiman, dated 2/20/02, prepared by R. Reilly, Architect, were submitted.

Mr. Reilly displayed and explained a model of the proposed construction and confirmed that no changes had been made in the plans already submitted to the Board, that no trees will come down, and that the setbacks meet Village Code requirements.

As the Application involves a project that will increase the improvements by more than 15%, the Board set a Public Hearing for consideration of Site Development Plan approval for its Regular Meeting on April 3, 2002.

IPB Matter # 02-10:

**Application of Deena Goldsmith for Site
Development Plan Approval for property at
200 Cyrus Field Road.**

Mr. and Mrs. Goldsmith and Harry N. Pharr, R.A., appeared before the Board. This application pertains to the proposed construction of a new detached garage. Drawings submitted: Goldsmith Garage by Harry N. Pharr RA dated January 29, 2002. The plans involve the construction of a detached three-car garage.

The Chairman reviewed the plans with the Applicants and Mr. Pharr. Mr. Marron said that the Applicant had not notified the County of the proposed project, as necessary. The Chairman stated that Site Development Plan approval is needed because the property is on Cyrus Field Road. Given that the proposed garage is located closer to the street than the primary residence, a variance would be required unless the Applicant had obtained one during the course of earlier approvals.

A letter from the Environmental Conservation Board dated March 5, 2002 was cited by the Chairman, who confirmed with the Applicants and Mr. Pharr that all matters mentioned therein are being addressed.

The Application was otherwise considered to be complete, and the Board set a Public Hearing, subject to correction of the notice to the County, for the April meeting.

IPB Matter #0041:

**Application of James R. Gleason & Kathleen
Gleason for Preliminary Subdivision and
Limited Site Development Plan Approval for
property at 115 South Broadway.**

Richard Blancato, Esq., appeared for the Applicant. Mr. Mastromonaco submitted a memorandum dated March 6, 2002, outlining his comments and concerns. The Board noted a letter of February 27, 2002, from the Zoning Board of Appeals granting a variance to reduce the front yard setback along East Clinton Avenue from 30' to 15'. The ZBA did not act on the Applicant's request for a variance for a reduction in the setback on the southern side of the property, or on the IPB's suggested conditions for the setback reduction. Instead, the ZBA said these matters should be discussed further at the IPB's meetings, and if additional variances are still required, the ZBA will address them.

The Chairman said that the Applicant needed to provide proof of publication in the newspaper due to the property's location on Broadway. The Chairman, in response to a question from the audience about landscaping, said such issues will be discussed in conjunction with the site development plan approval process. Deborah Zdobinski, 28A East Clinton Avenue, a resident of the neighborhood, said she was concerned that any new house conforms to the character of the neighborhood. The Chairman stated that the critical issue for the IPB is to avoid creating a situation in which someone can build a house too large for the neighborhood.

The Board indicated that the Application was otherwise complete, and set a Public Hearing for the April Planning Board meeting, contingent upon the Applicant undertaking the necessary publication of notice. The Board indicated that the site plan should be modified to indicate that it is "preliminary" and "limited," and that the Subdivision plat should contain notes indicating that a) the single driveway located on the eastern property line should be the only means of vehicular access to both lots, with no access from South Broadway; b) that the 30' rear yard setback (on the eastern side of the property) should be measured from the western edge of the easement, resulting in a 45' setback from the eastern property line when the 15' wide easement is considered; c) that the height of any structure built on Lot B should be restricted to the lower of the height restriction per the Zoning Ordinance or the average of the roof lines of the two adjoining houses; d) that any building constructed on Lot B would be limited to a single one-family residence; and e) details regarding the variance received from the ZBA.

IPB Matter #02-07:

**Application of Arkady Selenow for Waiver of
Development Plan Approval for property
At 32 Osceola Avenue.**

Mr. Craig Studer represented the Applicant. The Applicant is proposing to construct a new in-ground pool with spa, a new driveway curb cut and drainage improvements. Plans entitled Selenow Residence by Studer Design Associates dated February 20, 2002 two sheets, signed and sealed by Kevin J. Kelly, Architect, were submitted.

The Applicant has submitted a new plan, replacing the plan presented to the Board in 2001 (See IPB #01-22, which was withdrawn). The plan changed the location of the proposed pool, removed some of the existing drive, and added a driveway curb cut.

The Chairman asked the Applicant to confirm that the drives being eliminated did not provide access to the adjoining property. Mr. Studer said that the height of the proposed fence will be changed from 4 feet to 5 feet, in keeping with Village Code requirements, and that one tree, a Japanese maple, is likely to be transplanted.

The Chairman asked Mr. Marron to review Mr. Mastromonaco's comment regarding the "existing catch basin," as well as the other matters cited in the memorandum. The Chairman also said that Site Development Plan approval is necessary, but no further notification is required.

The Application was otherwise considered to be complete, and the Board set a public hearing for the April meeting.

IPB Matter #02-09:

**Application of Mark Shedrofsky & Nancy
Messing for Site Development Plan Approval for
Property at 27 Hillside Terrace.**

Mr. Joseph Paiva, Architect, appeared on behalf of the Applicant. Mr. Lilienfield recused himself and Mr. Hoffman presided.

The Applicant is proposing to construct a three-story addition to an existing single-family house. The Zoning Board of Appeals has previously granted coverage and setback variances as noted in its letter of September 26, 2001. Plans submitted were Additions & Alterations to Shedrofsky Residence by Joseph R. Paiva, RA, revised February 20, 2002, seven sheets.

The Environmental Conservation Board submitted a letter, dated March 5, 2002, requesting information regarding how the project will affect trees on the property. Mr. Mastromonaco submitted comments in a memorandum of March 6, 2002.

Mr. Marron said that the only potential issue from his perspective is the height of the construction. Mr. Hoffman asked that the Applicant resolve drainage issues and the other matters cited in Mr. Mastromonaco's memorandum, and said that the Fieldpoint Association has not been properly notified of the project. The Board determined that the Application was otherwise complete, and set a Public Hearing for the April meeting, contingent upon the necessary notifications being provided.

IPB Matter #02-08:

**Application of DeNardo Development Corp., for
Site Development Plan Approval for property at
41 North Broadway.**

Mr. Paul Petretti, Civil Engineer & Land Surveyor, appeared for the Applicant. Plans entitled Lot 3 Mackie Subdivision prepared for Joseph DeNardo, by Paul J. Petretti, P.E., L.S., dated February 1, 2002, 1 of 3 sheets, and Construction Plan, North Broadway Elevation View, Lot 3 Mackie Subdivision prepared for Joseph DeNardo by Paul J. Petretti, P.E., L.S., dated April 3, 2002.

The Applicant is proposing to construct a single-family house on Lot 3 of the Mackie property subdivision (IPB #98-06.).

Mr. Petretti noted that Limited Site Development Plan Approval had been granted at the time of the subdivision, and that the current plans propose a slightly larger house, but one within the already approved building envelope. He also said that a manhole would be installed to avoid any issues potentially posed by grinder pump lines. In addition, the Applicant now intends to do all of the necessary utility work in Broadway for both lots, to eliminate the need to reopen the street twice.

The Environmental Conservation Board, in its letter dated March 5, 2002, reviewed its concerns about this project. Mr. Mastromonaco outlined his comments in a memorandum of March 6, 2002.

The Chairman said the Board needs elevations and other details of the proposed house, as well as drawings relative to the Aqueduct and adjoining properties. Landscaping details should be provided, along with more detailed information on the wall and the piers to be constructed. The Board determined that the Application was otherwise complete, and set a public hearing for the Board's Regular April meeting, subject to receipt of the information that has been requested.

IPB Matter #01-45:

**Application of Larry & Ronna Rudolph for
Site Development Plan Approval for property
At 56 Manor Pond Lane.**

Matthew Behrens, Architect, represented the Applicant. The application is seeking to legalize changes that were made from a previously approved site development plan, with an additional wood deck at the rear of an existing single-family residence as well as stone walls with steps. Plan entitled Expanded Deck, Rudolph Residence by Matthew Behrens dated September 18, 2001 last revised February 18, 2002 was submitted.

The Chairman noted that the plans need to show the location of new trees to replace one that was taken down without approval. Mr. Mastromonaco's memorandum of March 6, 2002 indicated he has no concerns. The Planning Board determined the application to be otherwise complete, and set a Public Hearing on the matter for the April meeting.

IPB Matter #02-04:

**Application of Joseph DeMatteo for Site
Site Development Plan Approval for property**

At 39 North Brook Lane.

Greg Gates, Architect, representing Richard Henry Behr Architect, appeared for the application. The Applicant is proposing to construct an addition to a single-family house, to include a deck expansion and a wading pool with patio and retaining walls. Plans submitted: DeMatteo Residence by Richard Henry Behr, Architect, P.C., last revised January 23, 2002 (four sheets).

Mr. Mastromonaco said he has no engineering concerns. The Environmental Conservation Board submitted letters of February 6 and March 5, 2002, outlining its concerns with the Application. Mr. Marron stated that all construction issues raised at the February meeting had been addressed. The Chairman emphasized that the remaining issue deals with the anticipated transfer of land and modification of easement to resolve the issues dealing with the Applicant's access to and use of the private road to which his driveway connects.

With the Board's concurrence, the Chairman indicated that the Board would not take action on this application until the legal issues are resolved.

IPB Matter #02-11:

Application of Geraldine McGowan-Hall for Site Development Plan Approval for property at 200 Mountain Road/Hermits Road.

Mr. Wayne Timonen of Timonen Design, represented the Applicant. The Applicant is proposing to renovate and expand an existing house. Plans entitled: Hall Residence a Multi-Part Alteration/Addition by G A L Associates dated May 22, 2001 last revised December 21, 2001 (10 sheets).

The Environmental Conservation Board submitted a letter of March 5, 2002 outlining its concerns with the project. Mr. Mastromonaco's comments and concerns were delineated in a memorandum of March 3, 2002.

The Chairman said the Board needed to understand the current conditions found at the property, as well as the conditions that existed prior to any work that may have been done to the property over the years, including fill, modifications to the stream channel, and changes to the septic system.

Mr. Marron noted the necessity of obtaining information for the County Department of Health, and then conferring with the Department.

The Chairman, with Mr. Marron's concurrence, indicated that the proposed garage needs to be considered in determination of coverage and setback requirements under the Village Code. This may necessitate seeking variances from the ZBA.

The ownership of Hermits Road was also discussed, with Mr. Sciarretta to undertake additional research. The Chairman also asked Mr. Sciarretta to review the applicability of site capacity determination to the property as it is located in the Village Watershed.

There is a two-bedroom limitation on the house, and the Board has to learn the origin of that restriction, the Chairman noted.

In a response to the Chairman's question regarding the limitation that the house not contain more than 2 bedrooms and 2 baths, Mr. Timonen said it was not a deed restriction, but instead was a condition of approval by the Health Department linked to the septic system's capacity.

Mr. Montgomery suggested that the Board hold a site walk and review this application in conjunction with IPB Matter #02-05 heard in February, which involves an adjoining property in an environmentally sensitive area at the corner of Hermit's and Mountain Roads. The Chairman agreed that such a walk would be appropriate once the additional information requested by the Board has been submitted.

This matter was continued.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Phase I, Tract A.**

Mr. Padriac Steinschneider and associates appeared for the Applicant. The Board opened the Public Hearing, a continuation of the application for development of Tract A of the Westwood parcel.

The Chairman noted that Mr. Mastromonaco is preparing a list of final outstanding engineering issues, which will be forwarded to the Board and the Applicant. The Chairman noted the need to provide additional details on the extent to which the retaining wall along the roadway towards Marshall's Pond needs to be repaired, as well as the inclusion of a railing along the road.

Mr. Steinschneider noted that the Board needed to act on this application by April 25, 2002. Mr. Sciarretta was asked by the Chairman to check on the specific timing requirements.

Comments from the public prompted a discussion of the Village's proposed option to acquire portions of the Westwood property and related issues.

The Board set Special Meetings on the Westwood application for March 15 and April 10, 2002, at 7 p.m. The Public Hearing was continued.

IPB Matter #00-40:

**Application of Astor Street Associates, LLC for
Subdivision and Site Development Plan
Approval for Property at Astor Street.**

Paul Sirignano, Esq. appeared for the Applicant. This matter, a continuation, involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates.

The Board reviewed and made modifications to a draft Resolution for approval of the application. The Chairman said that the subdivision plat should contain metes and bounds data and information on easements. The notes on the plat should indicate the purpose of each easement as it benefits the incumbent party.

The Chairman, with the concurrence of the Board, stipulated that prior to signing by the Chairman and Secretary of the Board, the Final Subdivision Plat must bear the signature of the authorized MTA representative. Mr. Sciarretta said the Board also needs an integrated contract between the MTA and the Applicant since the key components thus far have been provided to the Board in segments over time. The Chairman also stated the MTA parking lot may need signs indicating how to reach the building.

The Board approved, in concept, conditional approval of Preliminary Subdivision Layout and Limited Site Development Plan, with the Resolution to be signed by the Board members following modification as discussed during the meeting.

The Board approved the minutes of the IPB meetings of December 12, 2001 and January 16, 2002.

The meeting was adjourned at 11:57 p.m.

Respectfully submitted,

Walter G. Montgomery, Secretary